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Enclosed for filing is a patent application under 37 CFR 1.53(b) of: Kam Chan, Mathew Lodge and Shouu Jiah Yiu entitled **PROGRAM AND METHOD FOR PREVENTING OVERLOAD IN A PACKET TELEPHONY GATEWAY**

- Enclosures:
- [X] Specification (pages 1-6); claims (pages 7-8); abstract (page 9)
 - [X] 2 sheets of formal drawings
 - [X] Declaration or Combined Declaration and Power of Attorney
 - [X] Assignment with cover sheet

CLAIMS AS FILED				
For	Number Filed	Number Extra	Rate	Basic Fee
Total Claims	8-20	0	x \$18.00 =	.00
Independent Claims	3-3	0	x \$78.00 =	.00
Multiple Dependent Claim Fee			x \$260.00 =	.00
TOTAL FILING FEE				\$ 690.00

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Customer No. 20575

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.


Gregory T. Kavounas
Registration No. 37,862

MARGER JOHNSON & McCOLLOM, P.C.

1030 S.W. Morrison Street

Portland, OR 97205

(503) 222-3613

5 **PROGRAM AND METHOD FOR PREVENTING OVERLOAD
 IN A PACKET TELEPHONY GATEWAY**

BACKGROUND OF THE INVENTION

1. Field of the invention

10 The present invention is related to the field of packet telephony, and more specifically to software and a method for preventing overload in a packet telephony gateway.

2. Description of the related art

15 In a packet telephony gateway, there are typically call-handling resources, such as telephony trunk interfaces and Digital Signal Processors (DSPs), and one or more Central Processing Units (CPUs). Each incoming call that the telephony gateway accepts consumes call-handling resources of the system. In addition, it generates data traffic that must be handed by the CPU or CPUs.

20 The prior art has correctly discerned that a packet telephony gateway is unable to process new calls when all call-handling resources are exhausted. Accordingly there are methods for handling the case where the call-handling resources are exhausted.

25 However, it is also possible that a central processing unit will reach maximum utilization before other call-handling resources are exhausted. When this happens, the CPU or CPUs cannot process all of the data packets in a timely manner. Accordingly, the CPU will start to ignore ("drop") those packets that it cannot process. Dropping of these packets degrades the sound quality of all the calls being handed by the packet telephony gateway.

 In extreme cases, a CPU may be so overloaded that it cannot complete signaling processes that are time-sensitive to the external Public Switched Telephone Network (PSTN). This causes the PSTN device to which it is connected to drop or disconnect all calls.

30 Disconnected calls are a problem. At the very least, they generate customer dissatisfaction when billing is received. The situation of many disconnected calls also causes disruption in the operation of the PSTN, potentially causing faults in other PSTN equipment.

BRIEF SUMMARY OF THE INVENTION

35 The present invention overcomes these problems and limitations of the prior art.

Generally, the present invention provides a program and a method for a gateway to deny incoming calls to prevent overload. The program of the present invention provides a maximum CPU utilization threshold that is set by the user. When a new incoming call is presented to the packet telephony gateway, the program checks the present CPU utilization. If the present CPU utilization is greater than the threshold, the call is refused.

The method of the invention is to determine a suitable CPU utilization threshold, and set it in software. Then the gateway waits for a new incoming call. When one is received, the present CPU utilization is checked against the threshold. If it exceeds the threshold, the call is refused.

This ensures that sound quality of the calls currently being handled is maintained, and that existing calls are never dropped. The foregoing and other objects, features and advantages of the invention will become more readily apparent from the following detailed description of a preferred embodiment, which proceeds with reference to the drawings.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a functional block diagram of a program made according to the present invention.

FIG. 2 is a flowchart illustrating a method according to the invention.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT(S)

As has been mentioned, the present invention provides a program and a method for a gateway to deny incoming calls to prevent a CPU overload. A gateway can be a router or similar network device that is controllable also by a program, such as a computer program.

Regarding the program, the detailed descriptions which follow are presented largely in terms of display images, algorithms, and symbolic representations of operations of data bits within a memory, such as a computer memory or other memory associated with the gateway. These algorithmic descriptions and representations are the means used by those skilled in the data processing arts to most effectively convey the substance of their work to others skilled in the art. Often, for the sake of convenience only, it is preferred to implement and describe a program as various interconnected distinct software modules or features. This is not necessary, however, and there may be cases where various softwares are equivalently aggregated into a single program with unclear boundaries.

An algorithm is here, and generally, conceived to be a self consistent sequence of steps leading to a desired result. These steps are those requiring physical manipulations of physical quantities. Usually, though not necessarily, these quantities take the form of electrical or magnetic signals capable of being stored, transferred, combined, compared, and otherwise manipulated. It proves convenient at times, principally for reasons of common usage, to refer to these signals as bits, values, elements, symbols, characters, images, terms, numbers, or the like. It should be borne in mind, however, that all of these and similar terms are to be associated with the appropriate physical quantities and are merely convenient labels applied to these quantities.

In the present case, the operations are machine operations performed in conjunction with a human operator. Useful machines for performing the operations of the present invention include general purpose digital computers, network devices such as gateways, or other similar devices. In all cases, there should be borne in mind the distinction between the method operations of operating a network device, and the method of computation itself. The present invention relates to method steps for operating a network device, and processing electrical or other physical signals to generate other desired physical signals.

The present invention also relates to apparatus for performing these operations. This apparatus may be specially constructed for the required purposes or it may comprise a general purpose computer selectively activated or reconfigured by a computer program stored in the computer. The algorithms presented herein are not necessarily inherently related to any particular computer or other apparatus. In particular, various general purpose machines may be used with programs in accordance with the teachings herein, or it may prove more convenient to construct more specialized apparatus to perform the required method steps. The required structure for a variety of these machines will appear from the description given below.

It should be clear to a person skilled in the art that the program of the invention need not reside in a single memory, or even a single machine. Various portions, modules or features of it can reside in any combination of computer readable media, such as separate memories, of even separate machines. The separate machines may be connected directly, or through a network, such as a local access network (LAN), or a global network, such as what is presently known as Internet-1. Similarly, the users need not be collocated with each other, but each only with a machine that houses a portion of the program.

Referring now to FIG. 1, a program 100 made according to the invention is described in detail. Program 100 prevents overload in a packet telephony gateway, such as a router, etc.

5 The program 100 includes a CPU utilization threshold CPUT input 110. Preferably a user can store this input 110 in a memory, by issuing a command. The memory can be a memory of the gateway, or a related memory. The memory is preferably non-volatile memory, such as NVRAM. The input 100 preferably includes a numerical value, such as a percentage. Alternately it can include one of a plurality of pre-designated levels. Each level in turn can specify a percentage. A preferred value for CPUT is 70% utilization of a CPU or bank of aggregated CPUs of the gateway.

10 The program 100 also includes an incoming call input 120. The incoming call input 120 denotes when a new incoming telephone call is received by the gateway. The incoming call input 120 can operate in any way known in the art. For example, it can be an interrupt or it can generate an interrupt. Alternately, the incoming call input can set a ring flag when a new incoming telephone call is received (i.e. when the telephone line is "ringing"), but before the incoming call is answered.

15 The program 100 additionally includes a present CPU utilization value CPUP input 130. This includes a present value that is an indicator of how much the CPU or bank of CPUs are being used at the moment. The value of CPUP can be a number, preferably a percentage. Alternately it can include one of a plurality of pre-designated levels. Each level in turn can specify a percentage.

20 It will be appreciated that the input 130 can be implemented by any number of ways. For example, the value of CPUP can be updated regularly, once every cycle of the program. Alternately, it can be estimated when it is determined that an incoming call has been received. For example, the present CPU utilization value input 130 can be updated when the ring flag is set.

25 The program 100 moreover includes a gauging software 140. The gauging software 140 is for determining, when a new incoming telephone call is denoted as being received, whether a number aspect of the CPUP is larger than a number aspect of the CPUT, and if so for setting a deny flag 150. The deny flag 150 can be a signal, an interrupt, or a value of a variable stored in a memory or other equivalent way. Setting the deny flag 150 means that the CPUs of the gateway are too busy, and will refuse the incoming telephone call.

30 The program 100 further includes a call refusing software 160. The refusing software 160 is for the packet telephony gateway to refuse the incoming call if the deny flag 150 is set.

The program 100 of the invention can be a standalone program, or a part, such as a subroutine of a larger program. The person of ordinary skill in the art will determine the most suitable implementation.

Referring now to FIG. 2, a method of the invention is described with the assistance of flowchart 200.

According to a box 210, the desired CPU utilization threshold CPUT of a CPU of the gateway is determined. Equivalently, CPUT can be the threshold of a bank of CPUs, taken as an average or as a cooperating statistic. Preferably the threshold is expressed as a percentage, such as 70%. Higher values will permit more calls to be handled, but with higher voice degradation during peak demand periods. Lower values will permit better sound quality for all the calls.

According to a box 220, the CPU utilization threshold CPUT determined in box 210 is set. Setting can be performed in many ways. Preferably, setting is performed by a user issuing a setting command in software. Preferably, according to an optional box 230, an aspect of the setting command is stored in NVRAM. The aspect can be just the number of the percentage.

According to two cooperating boxes 240 and 250, the program waits for an incoming telephone call. This can be in any number of ways. As a first example, an incoming telephone call can generate an interrupt. As a second example, box 240 sets a waiting time period, and box 250 checks if an incoming telephone call has been received within the last waiting time period. In this implementation, other operations may be happening during the time period of box 240, such as updating a present CPU utilization value, which happens anyway by operation of the box 260 (explained below).

According to a box 260, a present CPU utilization value CPUP is determined. It can be determined by being computed either after a call is registered, that is after boxes 240 and 250. Alternately, the present CPU utilization value CPUP can be input by consulting the latest of regularly updated values. In the preferred embodiment, ultimately accepting the incoming call will increase the CPUP.

According to a box 270, when an incoming telephone call is received, the determined present CPU utilization value (CPUP) is compared with the entered and set CPU utilization threshold (CPUT).

If the determined present CPU utilization value is found less than the entered and set CPU utilization threshold, then according to a box 280, the incoming call is processed normally, and execution returns to box 240.

But if the determined present CPU utilization value is found to be greater than the entered and set CPU utilization threshold, then according to a box 290, the incoming call is refused. This can be accomplished by administering a busy signal.

The comparison of step 270 allows as a design choice of what happens if the determined present CPU utilization value is found to be greater than the entered and set CPU utilization threshold. The choice of whether the call will be refused or not does not impact the invention – it can be merely a matter of how the threshold was defined in the first place.

5 The call handling mechanism of the program of the invention ensures that the sound quality of all calls is maintained, and that existing calls are not dropped to due to CPU overload, by refusing to accept new calls that would cause the central processing unit to be overloaded.

10 A person of ordinary skill in the art will be able to practice the present invention in view of the present description, where numerous details have been set forth in order to provide a more thorough understanding of the invention. In other instances, well-known features have not been described in detail in order not to obscure unnecessarily the invention.

15 While the invention has been disclosed in its preferred form, the specific embodiments thereof as disclosed and illustrated herein are not to be considered in a limiting sense. Indeed, it should be readily apparent to those of ordinary skill in the art in view of the present description that the invention can be modified in numerous ways. The inventor regards the subject matter of the invention to include all combinations and subcombinations of the various elements, features, functions and/or properties disclosed herein. For example, the boxes of the flowchart of FIG. 2 can be performed in a different order, and/or repeating.
20 The operations of boxes 210 and 220 can be repeated at a later stage, such as after box 240, etc.

25 The following claims define certain combinations and subcombinations, which are regarded as novel and non-obvious. Additional claims for other combinations and subcombinations of features, functions, elements and/or properties may be presented in this or a related document.

CLAIMS

The invention claimed is:

- 1 1. A computer-readable medium containing a program for preventing overload in a
2 packet telephony gateway, the program comprising instructions for:
3 receiving a CPU utilization threshold input;
4 detecting when an incoming telephone call is received;
5 receiving a present CPU utilization value input;
6 determining, when a new incoming telephone call is denoted as being received,
7 whether a number aspect of the present CPU utilization value input is larger than a number
8 aspect of a CPU utilization threshold input, and if so for setting a deny flag; and
9 refusing the incoming call if the deny flag is set.
- 1 2. The medium of claim 1, wherein
2 the incoming call input sets a ring flag when a new incoming telephone call is
3 received, and
4 the present CPU utilization value input is updated when the ring flag is set.
- 1 3. A method for preventing overload in a packet telephony gateway receiving incoming
2 telephone calls, comprising:
3 setting a CPU utilization threshold of a CPU of the gateway;
4 when an incoming telephone call is received, comparing a present CPU utilization
5 value with the entered CPU utilization threshold; and
6 if the present CPU utilization value is larger than the threshold, refusing the incoming
7 call.
- 1 4. The method of claim 3, wherein setting is by issuing a setting command, and by
2 saving an aspect of the setting command in NVRAM.
- 1 5. The method of claim 3, further comprising determining a CPU utilization threshold of
2 a CPU of the gateway before setting.

1 6. The method of claim 5, wherein setting is by issuing a setting command, and by
2 saving an aspect of the setting command in NVRAM.

1 7. A computer-readable medium containing a program for preventing overload in a
2 packet telephony gateway, the program comprising:
3 a CPU utilization threshold input;
4 an incoming call input when a new incoming telephone call is received;
5 a present CPU utilization value input;
6 gauging software for determining, when a new incoming telephone call is denoted as
7 being received, whether a number aspect of the present CPU utilization value input is larger
8 than a number aspect of a CPU utilization threshold input, and if so for setting a deny flag;
9 and
10 call refusing software for the packet telephony gateway to refuse the incoming call if
11 the deny flag is set.

1 8. The medium of claim 7, wherein
2 the incoming call input sets a ring flag when a new incoming telephone call is
3 received, and
4 the present CPU utilization value input is updated when the ring flag is set.

PROGRAM AND METHOD FOR PREVENTING OVERLOAD IN A PACKET TELEPHONY GATEWAY

5

ABSTRACT

A program and a method for a gateway are provided to deny incoming calls to prevent overload. The program of the present invention provides a maximum CPU utilization threshold CPUT, which is set by the user. When a new incoming call is presented to the packet telephony gateway, the program checks a present CPU utilization CPUP. If the present CPU utilization CPUP is greater than the threshold, the call is refused. This ensures that sound quality of the calls currently being handled is maintained, and that existing calls are never dropped.

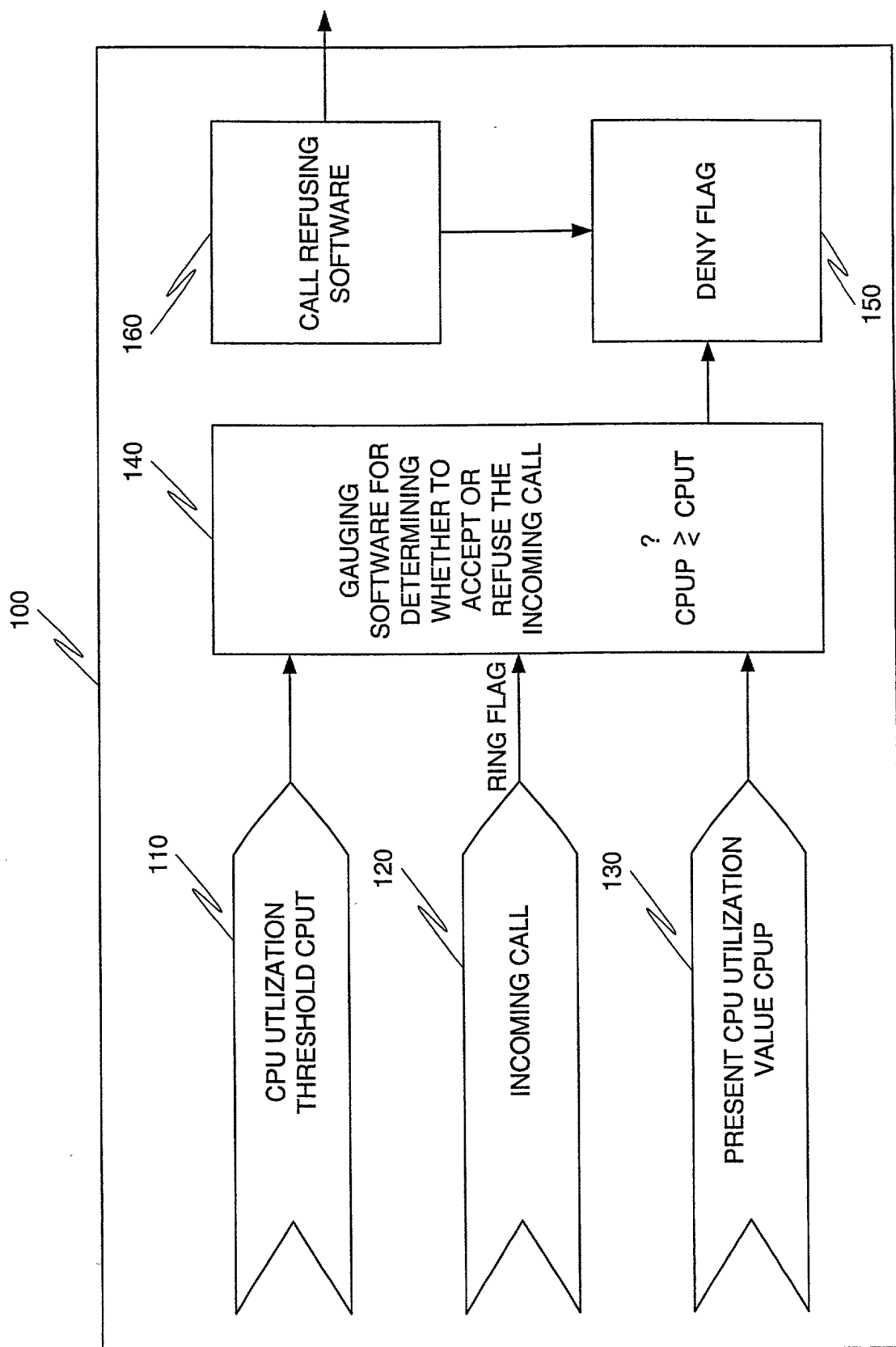


FIG. 1

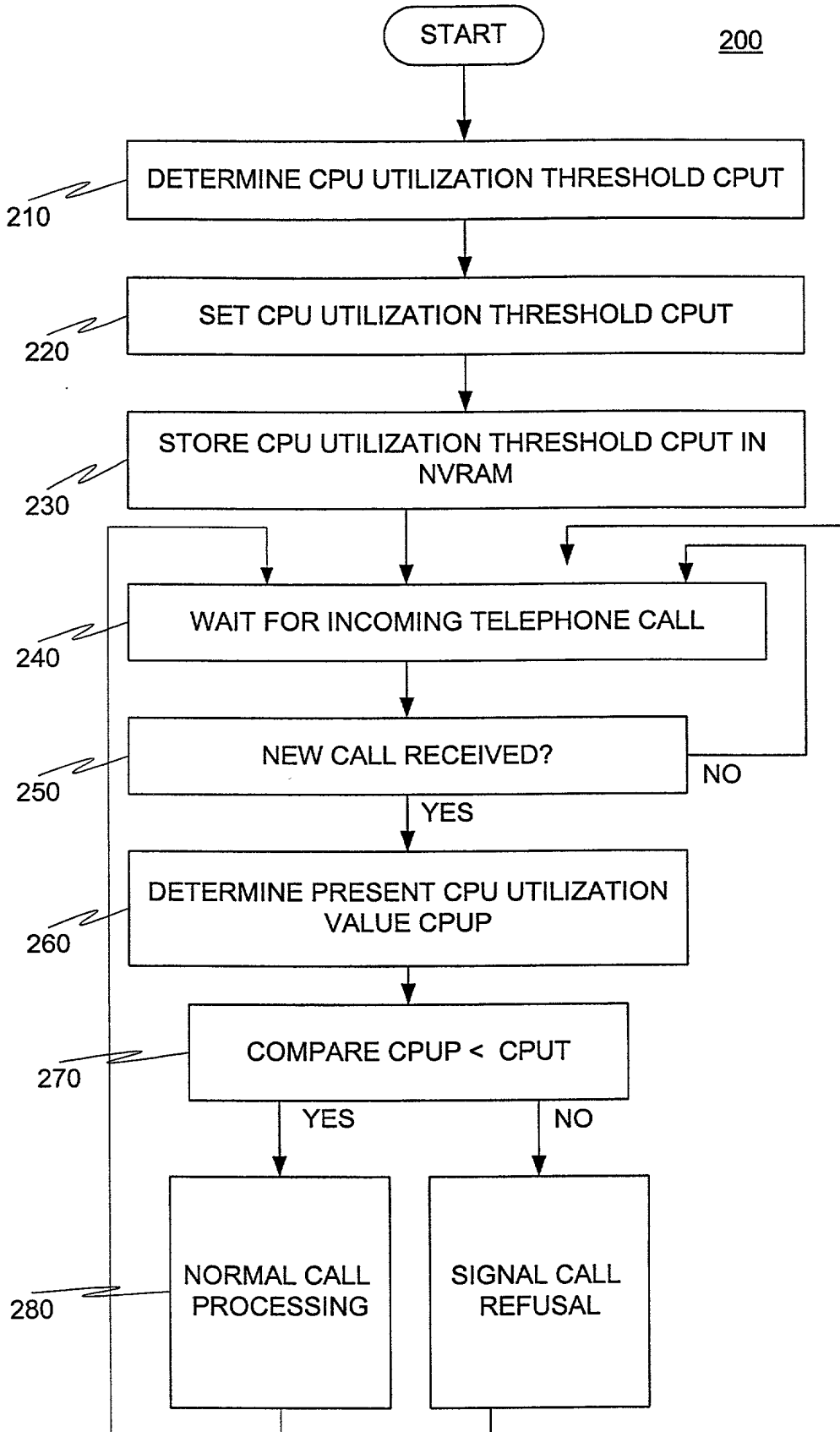


FIG. 2

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **PROGRAM AND METHOD FOR PREVENTING OVERLOAD IN A PACKET TELEPHONY GATEWAY**, the specification of which:

☒ is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Sec. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Sec. 119 (a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Claiming Priority?
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	

I hereby claim the benefit under Title 35, United States Code, Sec. 119(e) of any United States provisional application listed below:

<u>Provisional Application No.</u>	<u>Filing Date</u>
_____	_____

I hereby claim the benefit under Title 35, United States Code, Sec. 120 or §365(c) of any PCT international application designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Sec. 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application No.)

(Filing Date)

(Status) (patented, pending, abandoned)

I hereby appoint the following attorneys to prosecute the application, to file a corresponding international application, to prosecute and transact all business in the Patent and Trademark Office connected therewith:

Customer No. 20575

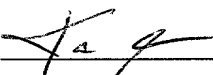
<u>Attorney Name</u>	<u>Registration No.</u>
Jerome S. Marger	26,480
Alexander C. Johnson, Jr.	29,396
Alan T. McCollom	28,881
James G. Stewart	32,496
Glenn C. Brown	34,555
Stephen S. Ford	35,139
Gregory T. Kavounas	37,862
Scott A. Schaffer	38,610
Joseph S. Makuch	39,286
James E. Harris	40,013
Graciela G. Cowger	42,444
Ariel Rogson	43,054
Craig R. Rogers	43,888

Direct all telephone calls to Gregory T. Kavounas at (503) 222-3613 and send all correspondence to:

Marger Johnson & McCollom, P.C.
1030 SW Morrison Street
Portland, OR 97205

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Kam Chan

Inventor's signature: 

2/9/2000
(Date)

Residence: San Jose, CA

Citizenship: United States

Post Office address: 1208 Tea Rose Circle, San Jose, CA 95131

Full name of second joint inventor: Mathew Lodge

Inventor's signature: MB Lodge

3/28/2000
(Date)

Residence: San Jose, CA

Citizenship: U.K.

Post Office address: 1588 Whiterock Circle, San Jose, CA 95125

Full name of third joint inventor: Shooou Jiah Yiu

Inventor's signature: Shooou Jiah Yiu

3/28/2000
(Date)

Residence: Los Altos, California

Citizenship: Singapore

Post Office address: 586 S. El Monte Ave, Los Altos, California 94022